THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.10173 of 2007

Dated: 13-07-2007

Between:

Nandeti Jacob Kishore Babu.

..... PETITIONER

AND

The Government of A.P., rep. by its Principal Secretary, Revenue Department, Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.10173 of 2007

ORDER:

The petitioner states that he has presented a document for registration before the second respondent, but the latter is refusing to admit the same for registration on the basis of a Gazette Notification bearing No.360 dated 25.08.2000 issued under Section 22-A of the Registration Act, 1908, (for short 'the Act') as it then existed. He further states that the subject matter of the document is not covered by the said G.O. and at any rate the registration cannot be withheld without stating any reasons.

During the course of hearing, the learned counsel for the petitioner submits that in pursuance of the interim orders passed by this Court on 24.05.2007 in W.P.M.P.No.12874 of 2007, the second respondent had registered the document, but is not releasing the same on the ground that the writ petition is pending.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Reference is also made to the Act 19 of 2007 through which a fresh provision incorporating Section 22-A of the Act was added.

It is no doubt true that Section 22-A of the Act as it

then existed was held to be *ultra vires* by this Court and the notifications issued thereunder were also set aside. However, in the recent past, Section 22-A of the Act with a different content was introduced through the Act 19 of 2007. Apart from providing various circumstances empowering the Registering Authority to refuse registration, the notifications issued under replaced Section 22-A of the Act are also revalidated. In that view of the matter, the entire issue needs to be examined afresh. However, in case the document is already admitted to registration, it deserve to be released to the parties without prejudice to the rights of the Registering Authority to take such steps as are open to them in law. On the other hand, if the document has not been registered as yet, the reasons for refusing registration must be communicated to the petitioner.

The writ petition is disposed of directing the respondents that:

(a) In case the document presented by the petitioner is admitted to registration and the process is complete, it shall be released to the respective parties.

(b) In case the registration is incomplete for any reason, the further steps shall be taken and be concluded within ten days from today. If the document cannot be admitted to registration, the reasons shall be informed to the petitioner within that time.

There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

13th July, 2007

Note: Issue CC in three days.

B/o

ghn